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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,172	03/16/2005	Klaus-Wilhelm Lienert	007376-0312476	6434

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EXAMINER

HAIDER, SAIRA BANO

ART UNIT	PAPER NUMBER
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1711

MAIL DATE	DELIVERY MODE
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09/28/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/511,172

Applicant(s)

LIENERT ET AL.

Examiner

Saira Haider

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-27 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 14-27 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/13/2004</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 14-16, 18-20, and 25-27 are rejected under 35 U.S.C. 102(b) as being anticipated by McDougal (US 4,647,418).

3. McDougal discloses a process for the manufacture of glass fiber-reinforced polyester products. The polyester product comprises an encapsulated initiator. The initiator is released from the microcapsule shell upon molding (casting) of the polyester-microcapsule composite (abstract). Suitable examples of the initiator include free radical initiators such as organic peroxides (col. 6, lines 8-21). Suitable shell materials include phenol-formaldehyde resins, polyester resins, urea-formaldehyde resins, and melamines (col. 6, lines 21-32).

4. Claims 21-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Newell et al. (US 4,237,252).

5. Newell discloses the formation of microcapsules having a shell or an organic polymer and a core of an Lewis acid catalyst (abstract), wherein upon shell rupturing the Lewis acid catalyst is released and initiates curing of the resin (col. 1, lines 34-48). The microencapsulation process comprises: (a) dispersing and forming droplets of the Lewis acid complex (core initiator) in liquid medium of the aromatic polyisocyanate (organic polymer) and (b) adding the aromatic

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polyisocyanate (shell polymer) and cycloaliphatic polyepoxide (shell initiator) (col. 2, lines 24-50).

The droplet size is in the range of 1-10 microns (col. 4, lines 49-50). Newell discloses that the resulting mixture can be cooled (col. 5, lines 17-26).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Newell et al. (US 4,237,252).

8. Newell applies as above, but fails to disclose that in the process of the microcapsule formation the resulting mixture of droplets is spray dried. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to spray dry the resulting droplets in order to form a powder, which can readily be transported. Wherein formation of a powder of microencapsulated products is well known in the art as being formed via spray drying.

9. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over McDougal (US 4,647,418) in view of DE 21 31 623.

10. McDougal applies as above, but fails to disclose a C-C labile polymerization initiator as a suitable core material. Hence attention is directed towards DE 21 31 623, which discloses, as per the admission of applicant in the background section of the specification (page 3, line 35 to page 4, line

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1) suitable C-C labile polymerization initiators suitable for use in unsaturated polyester resins. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the C-C labile polymerization initiators in the microcapsule of McDogual in order to utilize art recognized unsaturated polyester resin polymerization initiators.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saira Haider whose telephone number is (571) 272-3553. The examiner can normally be reached on Monday-Friday from 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on (571) 272-1078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Saira Haider
Examiner
Art Unit 1711


James J. Seidleck
Supervisory Patent Examiner
Technology Center 1700